

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

This matter comes before the Court on Plaintiff's motion for the court to compel Defendants' attorney to participate in discovery and be included in conferences². Having reviewed Plaintiff's motion, Defendants' response thereto, and the balance of the record, the Court hereby finds and ORDERS:

(1) Plaintiff's motion for order compelling participation in discovery (Dkt. #32) is DENIED. When Plaintiff filed this motion on December 15, 2006, it was premature in that his prior motion for request for admissions from defendants, which this

¹This Amended Order is issued to correct error in previous order indicating that some defendants had not timely responded to Plaintiff's interrogatories. (See Dkt. #46 at 2).

²Pursuant to Rules 26(a)(1)(E)(iii) and 26(f) of the Federal Rules of Civil Procedure, no conference of parties is required in this matter because Plaintiff, an inmate in state custody, brings this action *pro se*.

AMENDED ORDER DENYING MOTION TO
COMPEL PARTICIPATION IN DISCOVERY

1 Court construed as interrogatories to parties, had just been served by mail to Defendants
2 on December 5, 2006 (*see* Dkt. #31), and, under Fed. R. Civ. P. 33(b)(3), the answers to
3 those interrogatories were due within 30 days after the service, i.e. by January 4, 2007.
4 Defendants have timely responded to Plaintiff's interrogatories. (*See* Dkt. #39, #41).

5 (2) The Clerk shall send copies of this Order to Plaintiff, to all counsel of
6 record, and to the Honorable Marsha J. Pechman.

7 DATED this 10th day of January, 2007.

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MONICA J. BENTON
United States Magistrate Judge

AMENDED ORDER DENYING MOTION TO
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